

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

GREGORY TYREE BROWN,

Plaintiff,

v.

DEVON SHRUM et al.,

Defendants,

Case No. C08-5326RBL/JRC

SCHEDULING ORDER

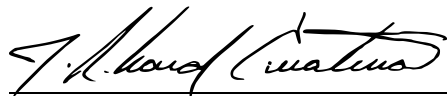
This 42 U.S.C. § 1983 civil rights action has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1, MJR 3, and MJR 4. The case has been remanded for this court to exercise its discretion in considering plaintiff's argument that the statute of limitation was tolled while he was exhausting the administrative grievance process. (ECF No. 98). Discovery is over and a complete new scheduling order is not appropriate at this time.

The parties are ORDERED to brief the issue remanded to this court. Plaintiff's opening brief will be due on or before **June 17, 2011**. Defendant's response will be due on or before **July 1, 2011**. Any reply plaintiff may wish to file will be due on or before **July 15, 2011**. Neither the opening brief nor the response shall exceed 25 pages. Any reply brief will not

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1 exceed 10 pages. The parties should address how the tolling issue may affect each defendant and  
2 also address whether each defendant has waived service or been served.

3 Dated this 1<sup>st</sup> day of June, 2011.

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6 J. Richard Creatura  
7 United States Magistrate Judge  
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